

Union Calendar No. 365

110TH CONGRESS
2D SESSION

H. R. 3513

[Report No. 110–591]

To amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2007

Mr. DEFazio introduced the following bill; which was referred to the Committee on Natural Resources

APRIL 17, 2008

Additional sponsors: Ms. HOOLEY, Mr. WU, Mr. BLUMENAUER, and Mr. TOWNS

APRIL 17, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 10, 2007]

A BILL

To amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State

of Oregon as wild or scenic rivers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Copper Salmon Wilder-*
 5 *ness Act of 2008”.*

6 **SEC. 2. DESIGNATION OF THE COPPER SALMON WILDER-**
 7 **NESS.**

8 *(a) DESIGNATION.—Section 3 of the Oregon Wilderness*
 9 *Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328) is*
 10 *amended—*

11 *(1) in the matter preceding paragraph (1), by*
 12 *striking “eight hundred fifty-nine thousand six hun-*
 13 *dred acres” and inserting “871,593 acres”;*

14 *(2) in paragraph (29), by striking the period at*
 15 *the end and inserting “; and”; and*

16 *(3) by adding at the end the following:*

17 *“(30) certain land in the Siskiyou National For-*
 18 *est, comprising approximately 11,922 acres, as gen-*
 19 *erally depicted on the map entitled ‘Copper Salmon*
 20 *Wilderness Proposal’ and dated April 1, 2008, to be*
 21 *known as the ‘Copper Salmon Wilderness’.”.*

22 *(b) MAPS AND LEGAL DESCRIPTION.—*

23 *(1) IN GENERAL.—As soon as practicable after*
 24 *the date of enactment of this Act, the Secretary of Ag-*

1 *riculture (referred to in this Act as the “Secretary”)*
 2 *shall file a map and a legal description of the Copper*
 3 *Salmon Wilderness with—*

4 *(A) the Committee on Energy and Natural*
 5 *Resources of the Senate; and*

6 *(B) the Committee on Natural Resources of*
 7 *the House of Representatives.*

8 *(2) FORCE OF LAW.—The map and legal descrip-*
 9 *tion filed under paragraph (1) shall have the same*
 10 *force and effect as if included in this Act, except that*
 11 *the Secretary may correct typographical errors in the*
 12 *map and legal description.*

13 *(3) BOUNDARY.—If the boundary of the Copper*
 14 *Salmon Wilderness shares a border with a road, the*
 15 *Secretary may only establish an offset that is not*
 16 *more than 150 feet from the centerline of the road.*

17 *(4) PUBLIC AVAILABILITY.—Each map and legal*
 18 *description filed under paragraph (1) shall be on file*
 19 *and available for public inspection in the appropriate*
 20 *offices of the Forest Service.*

21 **SEC. 3. WILD AND SCENIC RIVER DESIGNATIONS, ELK**
 22 **RIVER, OREGON.**

23 *Section 3(a)(76) of the Wild and Scenic Rivers Act*
 24 *(16 U.S.C. 1274(a)(76)) is amended—*

1 (1) *in the matter preceding subparagraph (A),*
2 *by striking “19-mile segment” and inserting “28.2-*
3 *mile segment”;*

4 (2) *in subparagraph (A), by striking “; and”*
5 *and inserting a period; and*

6 (3) *by striking subparagraph (B) and inserting*
7 *the following:*

8 “(B)(i) *The approximately 0.6-mile segment*
9 *of the North Fork Elk from its source in sec. 21,*
10 *T. 33 S., R. 12 W., Willamette Meridian, down-*
11 *stream to 0.01 miles below Forest Service Road*
12 *3353, as a scenic river.*

13 “(ii) *The approximately 5.5-mile segment of*
14 *the North Fork Elk from 0.01 miles below Forest*
15 *Service Road 3353 to its confluence with the*
16 *South Fork Elk, as a wild river.*

17 “(C)(i) *The approximately 0.9-mile segment*
18 *of the South Fork Elk from its source in the*
19 *southeast quarter of sec. 32, T. 33 S., R. 12 W.,*
20 *Willamette Meridian, downstream to 0.01 miles*
21 *below Forest Service Road 3353, as a scenic*
22 *river.*

23 “(ii) *The approximately 4.2-mile segment of*
24 *the South Fork Elk from 0.01 miles below Forest*

1 *Service Road 3353 to its confluence with the*
2 *North Fork Elk, as a wild river.”.*

3 **SEC. 4. PROTECTION OF TRIBAL RIGHTS.**

4 *(a) IN GENERAL.—Nothing in this Act shall be con-*
5 *strued as diminishing any right of any Indian tribe.*

6 *(b) MEMORANDUM OF UNDERSTANDING.—The Sec-*
7 *retary shall seek to enter into a memorandum of under-*
8 *standing with the Coquille Indian Tribe regarding access*
9 *to the Copper Salmon Wilderness to conduct historical and*
10 *cultural activities.*

11 **SEC. 5. DESIGNATION OF POTENTIAL WILDERNESS AREA,**
12 **SISKIYOU NATIONAL FOREST, OREGON.**

13 *(a) DESIGNATION.—In furtherance of the purposes of*
14 *the Wilderness Act (16 U.S.C. 1131 et seq.), certain Na-*
15 *tional Forest System land in the State of Oregon adminis-*
16 *tered by the Forest Service as part of the Siskiyou National*
17 *Forest and compromising approximately 1,708 acres, as*
18 *generally depicted on the map entitled “Copper Salmon*
19 *Wilderness Proposal” and dated April 1, 2008, are des-*
20 *ignated as a potential wilderness area for eventual inclu-*
21 *sion in the Copper Salmon Wilderness designated by para-*
22 *graph (30) of section 3 of the Oregon Wilderness Act of 1984*
23 *(16 U.S.C. 1132 note; Public Law 98–328), as added by*
24 *section 2.*

1 (b) *MAP AND LEGAL DESCRIPTION.*—As soon as prac-
2 ticable after the date of the enactment of this Act, the Sec-
3 retary shall file with the Committee on Natural Resources
4 of the House of Representatives and the Committee on En-
5 ergy and Natural Resources of the Senate a map and legal
6 description of potential wilderness area designated by sub-
7 section (a). The map and legal description shall have the
8 same force and effect as if included in this Act, except that
9 the Secretary may correct clerical and typographical errors
10 in the map and description. In the case of any discrepancy
11 between the acreage specified in subsection (a) and the map,
12 the map shall control. The map and legal description shall
13 be on file and available for public inspection in the Office
14 of the Chief of the Forest Service.

15 (c) *MANAGEMENT.*—Except as provided in subsection
16 (d) and subject to valid existing rights, the Secretary shall
17 manage the potential wilderness area designated by sub-
18 section (a) as wilderness until its designated as wilderness
19 under subsection (e).

20 (d) *ECOLOGICAL RESTORATION.*—

21 (1) *IN GENERAL.*—For the purposes of imple-
22 menting the planned ecological restoration approved
23 by the Decision Notice and Finding of No Significant
24 Impact for the Environmental Assessment for the
25 Coastal Healthy Forest Treatments, dated May 25,

1 2007, the Secretary may use motorized equipment
2 and mechanized transport in the potential wilderness
3 area until its designated as wilderness under sub-
4 section (e).

5 (2) *LIMITATION.*—To the maximum extent prac-
6 ticable, the Secretary shall use the minimum tool or
7 administrative practice necessary to accomplish eco-
8 logical restoration under paragraph (1) with the least
9 amount of adverse impact on wilderness character
10 and resources.

11 (e) *EVENTUAL WILDERNESS DESIGNATION.*—The po-
12 tential wilderness area designated by subsection (a) shall
13 be designated as wilderness on the earlier of—

14 (1) the date on which the Secretary publishes in
15 the Federal Register notice that the conditions in the
16 potential wilderness area that are incompatible with
17 the Wilderness Act (16 U.S.C. 1131 et seq.) have been
18 removed; or

19 (2) the date that is 10 years after the date of the
20 enactment of this Act.

21 (f) *INCORPORATION INTO COPPER SALMON WILDER-*
22 *NESS; ADMINISTRATION.*—On its designation as wilderness
23 under subsection (e), the potential wilderness area des-
24 ignated by subsection (a) shall be—

1 (1) *incorporated into the Copper Salmon Wilder-*
2 *ness; and*

3 (2) *administered in accordance with the Wilder-*
4 *ness Act, the Oregon Wilderness Act of 1984, and*
5 *other laws applicable to the Copper Salmon Wilder-*
6 *ness, except that, with respect to the potential wilder-*
7 *ness area, any reference in the Wilderness Act to the*
8 *effective date of that Act shall be deemed to be a ref-*
9 *erence to the date on which the lands are designated*
10 *as wilderness under subsection (e).*

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